

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 2-19 are amended to recite methods. In addition, claims 1-20 are amended for consistency. No new matter is added.

Restriction

In reply to the July 30, 2009 Restriction Requirement, Applicants provisionally elect Group II, claims 2-20, with traverse.

Claims 2-19 are amended to recite methods, and are thus included in Group II.

The product of claim 1, and the method of claims 2-20, all share in common recitation of a cosmetic product comprising a film, the film the film comprising at least one layer composed of a matrix based on a water-soluble polymer in which is included at least one coloring agent. The film allows the cosmetic product to be easily applied to the lips by, for example, pressing them on the film (page 2, lines 19-38 of the specification). Lu (U.S. Patent Application Publication No. 2003/0235553) does not describe a single composition (i.e., a film) comprising a water-soluble polymer matrix in which is included a coloring agent. Thus, at least this common special technical feature is not described by Lu. The claims of Groups I and II therefore relate to a single inventive concept under PCT Rule 13.1.

It is also respectfully submitted that the subject matter of all claims 1-20 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. The elected claims are method claims that specifically require use of the composition as defined in the Group I claim (claim 1), and thus examination of claims 2-20 will require search of the Group I claim. The restriction between the Group I and the Group II claims should thus be withdrawn. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and

examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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